

**Town of North Smithfield Planning Board
Kendall Dean School, 83 Green Street
Thursday, December 5, 7:00 PM**

The Chair called the meeting to order at 7:02 pm.

1. Roll Call

Present: Chairman Lucien Benoit, Mali Jones, Dean Naylor, Art Bassett, Gene Simone and Cynthia Roberts. Also present were Town Planner Robert Ericson and Town Solicitor James Lombardi III.

2. Approval of Minutes: November 21, 2013

Dr. Benoit pointed out that on page 3, the second paragraph from the bottom, the word 'the' should be added after "Mr. Ericson explained that". On page 4, he suggested adding the words "as a private citizen" to the sentence about Mr. Ericson and a Planning Board member. The sentence should read "Mr. Ericson said that a Planning Board member, as a private citizen, entered testimony in the Section 17 public hearing that 90% of the slopes in town are at least 15%".

Mr. Bassett made a motion to approve the minutes of November 21, 2013 as amended. Mr. Naylor seconded with all in favor except Dr. Benoit who abstained because he was not present at the November 21, 2013 meeting.

3. Disclosure: This is where anyone can disclose potential conflicts on matters before the Planning Board. No one had comments on disclosure.

4. Annual Organization: Election of officers and adoption of amendments to the Planning Board Rules of Procedure.

Mr. Ericson moderated the election of a chair. Ms. Jones nominated Mr. Naylor for Chairman of the Planning Board. Mr. Simone seconded the nomination.

Mr. Bassett nominated himself for Chairman of the Planning Board and Chairman Benoit seconded the nomination.

A vote was taken to elect the Chairman of the Planning Board. First the vote was taken for Mr. Naylor as Chairman. Yes: Ms. Jones, Mr. Naylor, Mr. Simone. No: Mr. Benoit and Mr. Bassett. Mr. Naylor was elected Chairman of the Planning Board with a vote of 3-2.

As Chairman, Mr. Naylor took over moderation of the meeting

Dr. Benoit nominated Mr. Bassett for Vice-Chairman and Mr. Simone seconded. A vote was taken for Mr. Bassett as Vice-Chairman. Yes: Ms. Jones, Mr. Naylor, Dr. Benoit, Mr. Bassett and Mr. Simone. No: none. Mr. Bassett was elected Vice-Chairman of the Planning Board with a vote of 5-0.

Dr. Benoit nominated Mr. Simone as Secretary of the Planning Board. Mr. Naylor seconded. Vote was taken for Mr. Simone as Secretary. Yes: Ms. Jones, Mr. Naylor, Dr. Benoit, Mr. Bassett and Mr. Simone. No: none. Mr. Simone was elected Secretary of the Planning Board with a vote of 5-0.

A discussion began on the Draft North Smithfield Planning Board Rules of Procedure. The following changes were suggested.

Changes to the MEETING Schedule section of the Planning Board rules of procedure:

Dr. Benoit brought up the fact that in the past the Planning Board met once a month regularly and twice if there were pressing projects that needed to be reviewed. He suggested the Board return to the Planning Board meeting schedule of once per month. Mr. Ericson agreed that going back to once per month makes sense. He told the Board that the Chairman is responsible for deciding whether to meet the first or third Thursday of the month. It will be possible to hold a smaller meeting for those involved in the Comp Plan modifications on the alternating Thursday. The room at Kendall Dean is reserved for the Planning Board on the first and third Thursdays of every month in 2014.

Dr. Benoit pointed out a correction to be made in the MINUTES

section of the Planning Board Rules of Procedure. The number seven should replace the number eight written out.

In the MEETING TIME section of the Planning Board rules of procedure:

Dr. Benoit clarified that meetings are not to extend beyond 10:00 PM unless approved by a majority vote of the Board. Mr. Naylor explained the procedure. A Board member would have to make a motion to continue the meeting and a vote would be taken. Only upon a majority vote would the meeting be continued beyond 10:00 PM.

Ms. Jones made a motion to approve the Planning Board Rules of Procedure as amended. Mr. Bassett seconded with all in favor.

5. Zoning Ordinance amendments, Section 5.7: Ground-mounted solar photovoltaic installations. Discussion, vote or other actions regarding consistency with the Comprehensive Plan. The Board may vote additional recommendations under local ordinance. The proposed amendment will establish site review standards for “solar farm” installations.

Mr. Ericson stated that the ordinance is identical to the Burrillville Solar Photovoltaic Installation ordinance except for a) appropriate name substitutions and b) item f, replacement of shaded with buffered.

Ms. Jones pointed out a period missing at the end of item f.

Mr. Bassett made a motion that the Planning Board finds Zoning Ordinance Amendment Section 5.7 consistent with the Comprehensive Plan. Ms. Jones seconded with all in favor.

6. Land Development & Subdivision Regulations: Comparative review of the 2006 and 2003 editions of the Land Development and Subdivision Regulations (LD&SR). Planning Board adoption of revisions can take place only after an advertised public hearing tentatively planned for the first quarter of 2014.

Mr. Ericson began by telling the Board that it is possible for a subdivision to return for review under the older 2003 LD&SR. For this reason, it is important that the Board understand the differences between the 2003 and 2006 LD&SR. The 2003 document is 63 pages and the 2006 is 97 pages, not including the forms in the appendix. Conservation Development (cluster development) was added into the 2006 document and accounts for 13 additional pages. This is important because sometimes a resolution can be reached by using a conservation development instead of a conventional subdivision.

Mr. Simone left the meeting at 7:25 PM.

Dr. Benoit asked for the subdivision possibly returning to be

identified, and Mr. Ericson declined to name a specific subdivision. He explained that this is a theoretical discussion and does not apply to any one subdivision in particular.

Mr. Ericson said that thirty pages were added to the 2006 LD&SR to include section 5.2 General Design Standards – Standards Common in all Types of Developments. Section 5 is very similar to what Burrillville has in their LD&SR. He pointed out that the most important change between 2003 and 2006 is the addition of the requirement that subdivisions or land developments avoid changes to the slope to the maximum extent possible.

Per Mr. Ericson, Section 9 of the LD&SR, the section referring to Fees had changes from 2003 to 2006. Unfortunately the 2003 fee section did not meet state law. The 2006 version includes the addition of the use of escrow and a defined process for electing an engineer. In the 2003 document, the developer/applicant was responsible for paying the engineer.

Mr. Ericson went on to say that in one case the 2003 document is better. For example, this is true in Section 5.1 Land Unsuitable for Development. In the 2006 document there is a reference made to the Zoning Ordinance Section 5.5.3. There is no such section in the Zoning Ordinance. Mr. Ericson believes the section on Land Suitable for Development is more effective in the 2003 document than in the 2006 document.

Mr. Bassett asked if North Smithfield will be included in the revision of the 100-year flood zone maps by FEMA. Mr. Ericson responded that he believes North Smithfield will not be included under the existing time line, but he will keep the Planning Board updated.

Mr. Lombardi left at 7:34 PM.

Ms. Jones, who has been reviewing the 2003 and 2006 versions of the LD & SR, noted that sections 5.9 and 5.8 are not the same in the two documents. Mr. Ericson assured the Board that both section are covered adequately and that even if a subdivision comes back before the Board using the 2003 LD & SR, it is still subject to State Law and the current Zoning Ordinance.

Ms. Roberts asked for clarification on the significance of this discussion. Dr. Benoit stated that some developers may consider the previous LD & SR more lenient and therefore want to come back under those regulations. He referred to a specific lawsuit that the Town is involved in. Mr. Ericson stated that the lawsuit is not pertinent to this discussion.

Mr. Naylor confirmed that all members have both the 2003 and 2006 copies of the LD&SR in digital format. They also have copies of the Comprehensive Plan if needed as the current version prevails. Mr. Naylor encouraged the Planning Board members to peruse both

versions of the LD&SR. This will also be helpful when the Board is updating the LD&SR as it provides additional insights.

7. Planning update: Summary of new developments with Dowling Village, Walgreens, residential subdivisions, planned bridge work, applications in process, BRV Heritage Corridor projects, Public Facilities Advisory Task Force, Zoning Board of Review, related meetings, and meetings schedule.

Mr. Ericson gave a brief update of planning projects:

Anchor Subaru: Mr. Bob Benoit, owner of Anchor Subaru, will be coming before the Board to request the addition of a new building with parking. They already have approval for paving a section for parking. Mr. Benoit may be seeking a zoning change as well.

Walgreens has physical access permit approval, and hence is all set.

The Town Council is pushing work on the Stone Arch Bridge to be started in April of 2014 and completed by November 2014.

Public Facilities Task Force: Mr. Ericson and the RGB engineers went through the Kendall-Dean Building and the Annex/Police Station for space analysis.

Kohls has not picked up their building permit as of this date.

Dr. Benoit asked about the outfalls and catch basin data that was collected by the Planning Department intern in 2012. Mr. Ericson explained that the claw bucket has been repaired and the DPW is cleaning the catch basins. He also said that there is a new work order system, Facilities Dude, that will go into use. That will help with recording maintenance of the outfalls and catch basins.

Dr. Benoit also asked about the status of the roads report that was to be completed by Mr. Casali. Mr. Ericson replied that he has not seen it.

Dr. Benoit asked about the Cedar Swamp Flood Control at the entrance of Cherry Brook and funding for a hydrological study. Mr. Ericson brought this to the attention of the Town Council and received no response. He will look into whether the Town would be eligible for money allocated to the Sandy clean-up.

8. Adjournment

Dr. Benoit made a motion to adjourn at 8:00 PM. Mr. Bassett seconded with all in favor. Next Planning Board meeting will be January 16, 2014.

Submitted by Bobbi Moneghan, January 8, 2014.